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Chairman: Ms. Groux (Vice-Chairperson) ..... (Switzerland)

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The meeting was called to order at 10.35 a.m.

Agenda item 105: Human rights questions *(continued)*

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms *(continued)* (A/C.3/59/L.57/Rev.1 and A/C.3/59/L.80)

Draft resolution on extrajudicial, summary or arbitrary executions and amendments thereto (A/C.3/59/L.57/Rev.1 and A/C.3/59/L.80)

1. **The Chairman** invited the Secretary of the Committee to read out an oral statement by the Director of the Programme Planning and Budget Division concerning the programme budget implications of the draft resolution.

2. **Mr. Khane** (Secretary of the Committee), referring to paragraph 18 of the draft resolution, noted that the mandate of the Special Rapporteur on extrajudicial, summary or arbitrary executions fell under the category of activities considered to be of a perennial nature. Provisions for activities of that nature had been included in the programme budget for the biennium 2004-2005. Accordingly, should the Third Committee adopt the draft resolution contained in document A/C.3/59/L.57/Rev.1, there would be no requirement for additional appropriations.

3. **Ms. Pylvänäinen** (Finland), introducing the draft resolution on behalf of the five Nordic countries and the sponsors, said that Albania, the Dominican Republic, Ecuador, El Salvador, New Zealand, Turkey and Venezuela had joined the sponsors of the resolution. She drew the attention of the Committee to three revisions made to the text of the draft resolution. In paragraph 8, the word "all" should be added to the heading, so that it would read "Urges all Governments". In paragraph 8 (b), the words "in conformity with international human rights law and international humanitarian law" should be added after the word "measures" in the first line. In paragraph 16, the words "report to" should be replaced by the word "inform". Although it had not been possible to achieve full consensus on the draft resolution, the progress made during the negotiations represented a good starting-point for future negotiations on the topic.

4. **The Chairman** said that Grenada and Palau had joined the sponsors of draft resolution A/C.3/59/L.57/Rev.1, and invited the Committee to take action on the amendments proposed in document A/C.3/59/L.80. In that regard, she noted that Kuwait and Viet Nam had joined the sponsors of the proposed amendments.

5. **Ms. Pylvänäinen** (Finland) said that the proposed amendments were not acceptable to her delegation. She therefore requested a recorded vote on the two proposed amendments. Moreover, since the two paragraphs in question related to two very different topics, she would request a separate recorded vote for each amendment.

6. **The Chairman** invited the Committee to take action on the proposed amendment to paragraph 7.

7. **Ms. Pylvänäinen** (Finland), speaking in explanation of vote before the voting, said that her delegation would vote against the proposed amendment. Although there were considerable differences in the way delegations viewed paragraph 7, all delegations agreed on the central idea, which was that when the death penalty was carried out, States must comply with the relevant restrictions, safeguards and guarantees. The sponsors had proposed various formulations, but had been unable to achieve consensus.

8. **Ms. Fried** (Sweden) said that her delegation agreed with the representative of Finland that the difficulties encountered with respect to paragraph 7 of draft resolution A/C.3/59/L.57/Rev.1 were not substantial. The Special Rapporteur had a clear mandate to monitor the implementation of existing international standards relating to safeguards and restrictions on the imposition of capital punishment. Paragraph 7 merely reflected that aspect of the mandate, which had found full consensus, both in the General Assembly and in the Commission on Human Rights. The intention of the paragraph was not to judge countries that carried out the death penalty. The reason for addressing those countries was merely one of logic, since it was in those countries that the safeguards and guarantees in question were applicable. The proposed amendment might give the impression that the safeguards and guarantees were also applicable in countries where the death penalty was illegal. Her delegation would therefore vote against the proposed amendment.

9. *A recorded vote was taken on the proposed amendment to paragraph 7.*

In favour:

Afghanistan, Algeria, Antigua and Barbuda, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Botswana, Brunei Darussalam, China, Colombia, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Egypt, Equatorial Guinea, Eritrea, Ethiopia, Guyana, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Japan, Jordan, Kenya, Kuwait, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Mauritania, Morocco, Niger, Nigeria, Oman, Pakistan, Philippines, Qatar, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Singapore, Somalia, Sudan, Suriname, Syrian Arab Republic, Thailand, Togo, Tunisia, Turkmenistan, Uganda, United Arab Emirates, Viet Nam, Yemen, Zimbabwe.

Against:

Albania, Andorra, Argentina, Armenia, Australia, Austria, Belgium, Benin, Bosnia and Herzegovina, Brazil, Bulgaria, Cameroon, Canada, Chile, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Germany, Greece, Grenada, Guatemala, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Namibia, Nauru, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Samoa, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Spain, Swaziland, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Trinidad and Tobago, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela (Bolivarian Republic of).

Abstaining:

Angola, Azerbaijan, Bhutan, Bolivia, Burkina Faso, Burundi, Cape Verde, Congo, Ghana, Honduras, India, Israel, Kyrgyzstan, Lao People's Democratic Republic, Mauritius, Mongolia, Mozambique, Myanmar, Nepal, Russian Federation, Senegal, Sierra Leone, South Africa, Sri Lanka, Tajikistan, United States of America.

10. *The proposed amendment to paragraph 7 of draft resolution A/C.3/59/L.57/Rev.1 was rejected by 74 votes to 60, with 26 abstentions.*

11. **Ms. Faye** (Senegal), explaining her delegation's position, said that although her delegation would ordinarily have voted in favour of the paragraph, it had abstained in the vote because a law on the abolition of capital punishment had been submitted for adoption to Senegal's National Assembly.

12. **The Chairman** invited the Committee to take action on the proposed amendment to paragraph 8 (c).

13. *A recorded vote was taken on the proposed amendment to paragraph 8 (c).*

In favour:

Afghanistan, Algeria, Bahrain, Bangladesh, Botswana, Brunei Darussalam, China, Colombia, Democratic Republic of the Congo, Djibouti, Egypt, Eritrea, Ghana, Indonesia, Iran (Islamic Republic of), Iraq, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Mauritania, Morocco, Niger, Nigeria, Oman, Pakistan, Philippines, Qatar, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, South Africa, Sudan, Syrian Arab Republic, Togo, Tunisia, Turkmenistan, Uganda, United Arab Emirates, Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Argentina, Armenia, Australia, Austria, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Cameroon, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Germany, Greece, Grenada, Guatemala, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Namibia, Nauru, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Samoa, San Marino, Serbia and Montenegro, Slovakia,

Slovenia, Spain, Swaziland, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela (Bolivarian Republic of).

Abstaining:

Angola, Azerbaijan, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Burkina Faso, Burundi, Cape Verde, Congo, Côte d'Ivoire, Equatorial Guinea, Ethiopia, Guyana, Honduras, India, Israel, Jamaica, Kyrgyzstan, Mongolia, Mozambique, Myanmar, Nepal, Russian Federation, Saint Lucia, Sri Lanka, Suriname, Tajikistan, Thailand, Trinidad and Tobago.

14. *The proposed amendment to paragraph 8 (c) of draft resolution A/C.3/59/L.57/Rev.1 was rejected by 75 votes to 52, with 32 abstentions.*

15. **The Chairman** invited the Committee to resume its consideration of A/C.3/59/L.57/Rev.1 and said that a recorded vote had been requested on paragraph 7.

16. Ms. **Pylvänäinen** (Finland), speaking in explanation of vote before the voting, said that her delegation would vote in favour of the paragraph.

17. Ms. **Faye** (Senegal) said that her delegation would abstain from the voting because a law on the abolition of capital punishment had been submitted for adoption to Senegal's National Assembly.

18. *A recorded vote was taken on paragraph 7.*

In favour:

Albania, Andorra, Argentina, Armenia, Australia, Austria, Azerbaijan, Belgium, Benin, Bhutan, Bosnia and Herzegovina, Brazil, Bulgaria, Cambodia, Cameroon, Canada, Chile, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Equatorial Guinea, Estonia, Finland, France, Gabon, Germany, Greece, Grenada, Guatemala, Honduras, Hungary, Iceland, Ireland, Italy, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Namibia, Nauru, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Samoa, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Spain, Swaziland, Sweden, Switzerland, Tajikistan, the former Yugoslav Republic of Macedonia, Timor-Leste, Trinidad and Tobago, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela (Bolivarian Republic of).

Against:

Afghanistan, Algeria, Antigua and Barbuda, Bahrain, Bangladesh, Barbados, Belize, Botswana, Brunei Darussalam, China, Democratic People's Republic of Korea, Djibouti, Egypt, Ethiopia, Guyana, Indonesia, Iran (Islamic Republic of), Jamaica, Kuwait, Libyan Arab Jamahiriya, Malaysia, Maldives, Mauritania, Morocco, Oman, Pakistan, Philippines, Qatar, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Singapore, Somalia, Sudan, Suriname, Syrian Arab Republic, Uganda, United Arab Emirates, Viet Nam, Yemen, Zimbabwe.

Abstaining:

Bahamas, Belarus, Bolivia, Burkina Faso, Burundi, Cape Verde, Central African Republic, Colombia, Democratic Republic of the Congo, Eritrea, Ghana, Guinea-Bissau, India, Iraq, Israel, Japan, Jordan, Kenya, Lao People's Democratic Republic, Lebanon, Lesotho, Madagascar, Malawi, Mali, Mauritius, Mongolia, Mozambique, Nepal, Niger, Nigeria, Palau, Senegal, Sierra Leone, South Africa, Sri Lanka, Thailand, Togo, Tunisia, United States of America.

19. *Paragraph 7 of draft resolution A/C.3/59/L.57/Rev.1 was adopted by 84 votes to 41, with 39 abstentions.*

20. **The Chairman** said that a recorded vote had been requested on the retention of the words "including sexual orientation" in paragraph 8 (c) of the draft resolution.

21. Ms. **Pylvänäinen** (Finland), supported by Ms. **Grollová** (Czech Republic) said that her delegation would vote to retain the wording in question and in favour of the paragraph as proposed by the sponsors. She recalled that at the fifty-fifth session of the General Assembly, paragraph 8 (c) had been adopted by consensus, and had been put to the vote for the first time at the fifty-seventh session. The main difference between the two formulations was that the latter formulation had referred to killings motivated by

the victims' sexual orientation. The paragraph did not contain any value judgements regarding the sexual orientation of any person. It merely requested that killings based on sexual orientation should be effectively investigated and not condoned by State officials. Her delegation found it difficult to understand why the Committee could not express its commitment to combat extrajudicial, summary or arbitrary executions when they were committed because of the victim's sexual orientation.

22. **Mr. Rahman** (United Kingdom) said that although no list of grounds for killings could ever be exhaustive, some grounds merited special attention because of the special vulnerability of the groups concerned. The list of vulnerable groups given in paragraph 8 (c) was not intended to be exhaustive. Since the killings of such groups were often underreported and under-investigated, it was right that they should be given particular attention. The paragraph did not call for additional protection of members of such groups, nor did it call for acceptance of practices or characteristics associated with them. It asked only that they should be given the same levels of protection as other members of society. The United Kingdom would therefore vote in favour of the existing paragraph.

23. *A recorded vote was taken on paragraph 8 (c).*

In favour:

Albania, Andorra, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Belgium, Benin, Bosnia and Herzegovina, Brazil, Bulgaria, Cambodia, Cameroon, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Equatorial Guinea, Estonia, Ethiopia, Finland, France, Georgia, Germany, Greece, Grenada, Guatemala, Haiti, Honduras, Hungary, Iceland, India, Ireland, Israel, Italy, Japan, Kyrgyzstan, Latvia, Lesotho, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Nauru, Netherlands, New Zealand, Nicaragua, Norway, Palau, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Samoa, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Spain, Sri Lanka, Swaziland, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Trinidad and Tobago, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela (Bolivarian Republic of).

Against:

Afghanistan, Algeria, Bahrain, Bangladesh, Botswana, Brunei Darussalam, China, Comoros, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Egypt, Gabon, Indonesia, Iran (Islamic Republic of), Jordan, Kenya, Kuwait, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mauritania, Morocco, Nigeria, Oman, Pakistan, Qatar, Saudi Arabia, Senegal, Singapore, Somalia, Sudan, Syrian Arab Republic, Turkmenistan, Uganda, United Arab Emirates, Viet Nam, Yemen, Zambia, Zimbabwe.

Abstaining:

Antigua and Barbuda, Barbados, Belarus, Belize, Bhutan, Bolivia, Burkina Faso, Burundi, Colombia, Congo, Côte d'Ivoire, Eritrea, Ghana, Iraq, Jamaica, Mali, Mozambique, Namibia, Nepal, Niger, Papua New Guinea, Russian Federation, Saint Lucia, Sierra Leone, South Africa, Suriname, Tajikistan, Togo, Tunisia.

24. *The proposal to retain the wording of paragraph 8 (c) of draft resolution A/C.3/59/L.57/Rev.1 was adopted by 93 votes to 42, with 29 abstentions.*

25. **Mr. Camponovo** (United States of America) proposed that paragraph 6 of the draft resolution should be replaced by the following: "*Noting that* extrajudicial, summary or arbitrary executions are a crime under the Rome Statute of the International Criminal Court,".

26. If the amendment was not accepted, however, his delegation would still be able to join consensus or vote in favour of the draft resolution.

27. **Ms. Pylvänäinen** (Finland) said that regrettably, the amendment was not acceptable to the sponsors, in part because it failed to address the issue of the ratification of the Rome Statute. Furthermore, an adequate reference to the International Criminal Court was particularly relevant because it would help to criminalize extrajudicial execution and give Governments an incentive to investigate such incidents. Therefore, she requested that a recorded vote

should be taken on the proposed amendment to paragraph 6.

28. *A recorded vote was taken on the oral amendment to paragraph 6 of draft resolution A/C.3/59/L.57/Rev.1.*

In favour:

India, Nicaragua, Palau, United States of America.

Against:

Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Barbados, Belarus, Belgium, Belize, Benin, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Cambodia, Cameroon, Canada, Chile, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guyana, Hungary, Iceland, Iran (Islamic Republic of), Ireland, Italy, Jamaica, Japan, Jordan, Kenya, Latvia, Lebanon, Lesotho, Liechtenstein, Lithuania, Luxembourg, Malawi, Mali, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Morocco, Mozambique, Namibia, Nauru, Netherlands, New Zealand, Nigeria, Norway, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Senegal, Serbia and Montenegro, Slovakia, Slovenia, Somalia, South Africa, Spain, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, The former Yugoslav Republic of Macedonia, Timor-Leste, Trinidad and Tobago, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela (Bolivarian Republic of), Zambia, Zimbabwe.

Abstaining:

Bahrain, Bangladesh, Bhutan, Bolivia, Brunei Darussalam, Burkina Faso, Burundi, China, Colombia, Djibouti, Egypt, Equatorial Guinea, Ethiopia, Honduras, Indonesia, Iraq, Kuwait, Libyan Arab Jamahiriya, Madagascar, Malaysia, Mauritania, Mongolia, Myanmar, Nepal, Niger, Oman, Pakistan, Papua New Guinea, Qatar, Rwanda, Saudi Arabia, Sierra Leone, Singapore, Sri Lanka, Thailand, Togo, Tunisia, Uganda, United Arab Emirates, Viet Nam, Yemen.

29. *The amendment to paragraph 6 was rejected by 117 votes to 4, with 41 abstentions.*

30. **The Chairman** said that a recorded vote had been requested on draft resolution A/C.3/59/L.57/Rev.1 as a whole.

31. **Ms. Pylvänäinen** (Finland) said that she hoped that full consensus for the draft resolution could be restored in the future. She reminded members that its core objective was to reaffirm the commitment of the international community to the elimination of extrajudicial, summary and arbitrary executions once and for all. Her delegation would vote in favour of the draft resolution.

32. *A recorded vote was taken on draft resolution A/C.3/59/L.57/Rev.1 as a whole.*

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Barbados, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Central African Republic, Chile, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Dominican Republic, Ecuador, El Salvador, Equatorial Guinea, Eritrea, Estonia, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guyana, Haiti, Honduras, Hungary, Iceland, India, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kyrgyzstan, Latvia, Lesotho, Liechtenstein, Lithuania, Luxembourg, Malawi, Mali, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Mozambique, Namibia, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Palau, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Serbia and Montenegro, Slovakia, Slovenia, South Africa, Spain, Sri Lanka,

Suriname, Swaziland, Sweden, Switzerland, Tajikistan, Thailand, The former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Zambia.

Against:

None.

Abstaining:

Bahrain, Bangladesh, Belarus, Botswana, Brunei Darussalam, China, Colombia, Comoros, Democratic People's Republic of Korea, Djibouti, Egypt, Ethiopia, Indonesia, Iran (Islamic Republic of), Iraq, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mauritania, Morocco, Myanmar, Oman, Pakistan, Qatar, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sudan, Syrian Arab Republic, Tunisia, Turkmenistan, Uganda, United Arab Emirates, Viet Nam, Yemen, Zimbabwe.

33. *Draft resolution A/C.3/59/L.57/Rev.1 as a whole was adopted by 130 votes to none, with 45 abstentions.*

34. **Mr. Dajer** (Colombia) said that his delegation regretted that the draft resolution continued to take note of the report of the Special Rapporteur on extrajudicial, summary or arbitrary executions. The references to Colombia contained in his report were untrue, and his delegation had already expressed its rejection of some of the Special Rapporteur's statements. Reports to be disseminated to the international community should be written in a responsible manner. The impunity described in the report could not be fought with faulty information. His delegation hoped that the next report would address the situation in his country in a responsible and serious manner and would be based on many different sources of information which had been corroborated.

35. **Mr. El-Badri** (Egypt) said that, regrettably, his delegation had abstained in the vote because the text had included non-universally recognized language.

36. **Mr. Cumberbatch Miguén** (Cuba) said that his delegation had voted in favour of the draft resolution. However, it had strong reservations regarding the interim report of the Special Rapporteur, which did not accurately represent the situation in Cuba and had been based on faulty information on its legal system. He hoped that future reports would better reflect the situation.

37. **Mr. Camponovo** (United States of America) said that, because its concerns regarding the reference to the International Criminal Court in paragraph 6 had remained, it had been compelled to request the amendment. His delegation emphasized that the international community should use all available and appropriate international, regional and domestic judicial mechanisms to address the problem of extrajudicial, summary or arbitrary executions, and to hold accountable those responsible for such crimes. For those reasons, the United States had voted in favour of the draft resolution.

Draft resolution on elimination of all forms of religious intolerance (A/C.3/59/L.59)

38. **Mr. Khane** (Secretary of the Committee) said that in paragraph 19 of the draft resolution, the Committee would recommend that the General Assembly should request the Secretary-General to ensure that the Special Rapporteur on freedom of religion and belief received the necessary resources to enable her to discharge her mandate fully. The mandate of the Special Rapporteur fell under the category of activities considered to be of a perennial nature. Provisions had already been included in the programme budget for the biennium 2004-2005 for activities of that nature. Accordingly, should the Third Committee adopt the draft resolution, there would be no requirement for additional appropriations, as the expenses would be accommodated within existing resources. He drew the attention of the Committee to General Assembly resolution 45/248 B (VI).

39. **The Chairman** said that Azerbaijan, Bosnia and Herzegovina, Ecuador, Eritrea, Ethiopia, Georgia, Haiti, Mali, Nicaragua, Republic of Moldova, South Africa, Switzerland, The former Yugoslav Republic of Macedonia and Turkey had joined the sponsors.

40. **Mr. van der Volk** (Netherlands), speaking on behalf of the European Union, said that Albania, Armenia, Benin, Bolivia, Colombia, the Dominican Republic, El Salvador, Grenada, the Federated States of Micronesia, Mozambique, Nauru, New Zealand, Palau, Panama, the Philippines, Serbia and Montenegro, the United States of America and Venezuela also wished to

sponsor the draft resolution. Senegal and Tunisia had withdrawn their sponsorship.

41. The sponsors wished to make oral revisions to the text. An additional preambular paragraph should be inserted after the eleventh preambular paragraph which would read: "*Seriously concerned* at all attacks on religious places, sites and shrines, including any deliberate destruction of relics and monuments,". Paragraph 10 should be replaced by the following: "*Further urges* States to exert the utmost efforts, in accordance with their national legislation and in conformity with international human rights standards, to ensure that religious places, sites and shrines are fully respected and protected and to take additional measures in cases where they are vulnerable to desecration or destruction;".

42. Unfortunately, it had not been possible to achieve consensus on paragraph 9, although the formulation submitted was identical to one adopted by consensus at the sixtieth session of the Commission on Human Rights. In order to meet the concerns of delegations which had expressed difficulties with the scope of the term "anti-Semitism", the sponsors had proposed the following revision: "*Recognizes with deep concern* the overall rise in instances of intolerance and violence directed against members of many religious communities in various parts of the world, including cases motivated by Islamophobia, anti-Semitism, Christianophobia and intolerance directed against other communities;". The issues mentioned in that paragraph were relevant to all regions of the world and thus deserved a common approach. In closing, he reiterated his earnest appeal for consensus on the draft resolution.

43. **Mr. Hayee** (Pakistan), speaking on behalf of the members of the Organization of the Islamic Conference (OIC), said that the new terminology introduced in paragraph 9 was not in keeping with the title and scope of the text. Elements relating to racial discrimination had no place in that draft resolution; if the sponsors saw a need to include such a reference OIC delegations had suggested the inclusion of some of the issues contained in the Durban Declaration. Furthermore, the listing in paragraph 9 excluded many other religions and faiths. The OIC delegations proposed that, in the second line of the paragraph, the words "and other" should be inserted after "religious". The terms in the last line should be in alphabetical order, to indicate that no group was more vulnerable than the next.

44. *A recorded vote was taken.*

In favour:

Algeria, Azerbaijan, Bahrain, Bangladesh, Belarus, Brunei Darussalam, Cameroon, Comoros, Cuba, Democratic People's Republic of Korea, Djibouti, Egypt, Equatorial Guinea, Gambia, Guinea, Indonesia, Iran (Islamic Republic of), Kazakhstan, Kuwait, Kyrgyzstan, Lebanon, Libyan Arab Jamahiriya, Malaysia, Maldives, Mali, Mauritania, Morocco, Niger, Oman, Pakistan, Qatar, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sudan, Syrian Arab Republic, Tajikistan, Tunisia, Turkmenistan, Uganda, United Arab Emirates, Yemen, Zimbabwe.

Against:

Albania, Andorra, Argentina, Armenia, Australia, Austria, Belgium, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Eritrea, Estonia, Ethiopia, Finland, France, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Haiti, Hungary, Iceland, India, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Micronesia (Federated States of), Monaco, Namibia, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Palau, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Samoa, San Marino, Serbia and Montenegro, Slovakia, Slovenia, South Africa, Spain, Swaziland, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela (Bolivarian Republic of).

Abstaining:

Angola, Barbados, Belize, Benin, Bhutan, Burkina Faso, Burundi, Guyana, Honduras, Iraq, Jamaica, Kenya, Lesotho, Madagascar, Malawi, Mauritius, Mongolia, Mozambique, Nigeria, Papua New Guinea, Philippines, Russian Federation, Rwanda, Saint Lucia, Solomon Islands, Sri Lanka, Suriname, Togo, Trinidad and Tobago.

45. *The amendment to paragraph 9 was rejected by 85 votes to 45, with 29 abstentions.*

46. **Ms. Tomar** (India) said that her delegation wished to join the sponsors of draft resolution A/C.3/59/L.59.

47. **The Chairman** said that a recorded vote had been requested by the representative of Pakistan, on behalf of the members of OIC, on paragraph 9 of draft resolution A/C.3/59/L.59.

48. **Ms. Astanah Banu** (Malaysia), speaking in explanation of vote before the voting, said that as a member of OIC, her delegation would vote against paragraph 9.

49. **Ms. Ahmed** (Sudan) said that as a member of OIC, her delegation would vote against paragraph 9.

50. *A recorded vote was taken on paragraph 9 of draft resolution A/C.3/59/L.59.*

In favour:

Albania, Andorra, Argentina, Armenia, Australia, Austria, Belgium, Bhutan, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Cambodia, Canada, Chile, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Eritrea, Estonia, Ethiopia, Finland, France, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Haiti, Honduras, Hungary, Iceland, India, Ireland, Israel, Italy, Japan, Kenya, Latvia, Lesotho, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malta, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Namibia, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Palau, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Samoa, San Marino, Serbia and Montenegro, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Trinidad and Tobago, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela (Bolivarian Republic of).

Against:

Algeria, Bahrain, Bangladesh, Brunei Darussalam, Comoros, Djibouti, Egypt, Gambia, Guinea, Indonesia, Iran (Islamic Republic of), Kuwait, Lebanon, Libyan Arab Jamahiriya, Malaysia, Maldives, Mali, Mauritania, Morocco, Niger, Oman, Pakistan, Qatar, Saudi Arabia, Senegal, Somalia, Sudan, Syrian Arab Republic, Turkmenistan, Uganda, United Arab Emirates, Yemen, Zimbabwe.

Abstaining:

Angola, Barbados, Belarus, Belize, Benin, Burundi, Cameroon, China, Democratic People's Republic of Korea, Equatorial Guinea, Iraq, Jamaica, Malawi, Mongolia, Nigeria, Rwanda, Saint Lucia, Sri Lanka, Suriname, Swaziland, Togo.

51. *Paragraph 9 of draft resolution A/C.3/59/L.59 was adopted by 99 votes to 33, with 21 abstentions.*

52. **Mr. van der Volk** (Netherlands) said that the European Union profoundly regretted that the Committee should have to vote on the draft resolution. The vote in itself defeated the purpose of the resolution. He appealed to all members to vote in favour of the draft resolution.

53. *A recorded vote was taken on draft resolution A/C.3/59/L.59.*

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Central African Republic, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Jamaica,

Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Palau, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Serbia and Montenegro, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

None.

Abstaining:

None.

54. *Draft resolution A/C.3/59/L.59, as orally revised, was adopted unanimously.*

55. **Mr. Panggabean** (Indonesia) said that his delegation had voted in favour of the draft resolution. He wished to make it clear, however, that he had voted in favour of the OIC amendment to paragraph 9.

56. **Mr. Moutari** (Niger) said that his delegation had voted against paragraph 9, not because it was unacceptable but because the amendment proposed by OIC would have greatly improved the text. However, the draft resolution as a whole was acceptable, and his delegation had voted for it.

57. **Ms. Kleitman** (Israel) said that both the State of Israel and the United Nations had been founded on the ashes of the Holocaust. For both of them, combating religious intolerance was part of their raison d'être. To deny that was to deny their history and endanger their future. In combating religious intolerance, the international community must work together to combat anti-Semitism, Christianophobia and Islamophobia and all other forms of intolerance in their modern manifestations. All that was needed for evil to prosper was for good people to do nothing. Israel had voted in favour of the resolution that had just been adopted. At the fifty-eighth session, Israel had been compelled to abstain because of the resolution's failure to refer to the alarming rise of anti-Semitism in various parts of the globe. The increase in acts of hatred and incitement against Jewish communities, individuals and places of worship was reprehensible and unjustifiable. It was a universal threat to humanity, and it demanded a universal and urgent response.

58. Her delegation had been saddened at the efforts of several States to remove the condemnation of anti-Semitism from the resolution. The term "anti-Semitism" had been coined specifically to refer to hatred and intolerance towards people of the Jewish faith. It referred to a phenomenon that was all too familiar to Jewish people around the world. Despite the flimsy pretexts that certain States had offered, their motives for seeking to amend paragraph 9 were as transparent as they were repulsive. Their attempt was the strongest evidence of the need for strong condemnation of anti-Semitism. Her delegation was pleased that, despite that effort, the resolution contained a reference to the horrific phenomenon of anti-Semitism in addition to other forms of intolerance. That represented another step forward, further to the progress made by the adoption of the Berlin Declaration by the Organization for Security and Cooperation in Europe (OSCE) and the anti-Semitism seminar held at the United Nations in June 2004. Much more must be done, but those measures were a step in the right direction. In January 2005, her country would commemorate the sixtieth anniversary of the liberation of the Nazi concentration camps. The world owed it to the victims of the Holocaust, to its survivors and to those who had fought and died for their liberation, never to forget its lesson and to be ever vigilant against the scourge of religious intolerance in all its forms, including anti-Semitism. As the Secretary-General had said in his statement at the seminar on anti-Semitism organized by the United Nations Department of Public Information (DPI) in June 2004, anti-Semitism was a

unique manifestation of hatred, intolerance and persecution. Anti-Semitism had flourished even in communities where Jews had never lived, and it had been a harbinger of discrimination against others. The rise of anti-Semitism anywhere was a threat to people everywhere. Thus, in fighting anti-Semitism, the world was fighting for the future of all humanity.

59. **Ms. Astanah Banu** (Malaysia) said that the resolution on the elimination of all forms of religious intolerance was a particularly important one adopted by the Third Committee and subsequently the General Assembly throughout the years. Her delegation had consistently shown full support for the resolution. During the consultations on draft resolution A/C.3/59/L.59, her delegation and many others had approached the European Union, as the main sponsor of the draft, to express its view that the inclusion of the new terminology within the draft was not in keeping with its title or with the scope of the text, which pertained to the issue of religious intolerance. Therefore, elements relating to racial discrimination should not have a place therein. Alternatively, her delegation had also suggested that should the main sponsor wish to include elements relating to racial intolerance, it would have done well to include some of the issues contained in the Durban Declaration.

60. More than two weeks after having been informed of those difficulties, and after receiving a formal letter from the Chair of the Organization of the Islamic Conference, the European Union had come up with a formulation which ostensibly was designed to take care of the concerns of those delegations. Needless to say, the suggested formulation did little to address the concerns raised.

61. Her delegation understood the listing contained at the end of paragraph 9 as meaning Islamophobia, Judaeophobia and Christianophobia. Semitism was not a word connoting religion but race. To give any meaning to that word in the context of the current resolution, it had to be understood to refer to religious intolerance faced by communities professing the Jewish faith, in other words, Judaeophobia. It was in that context that her delegation had voted in favour of the resolution as a whole.

The meeting rose at 12.20 p.m.